

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

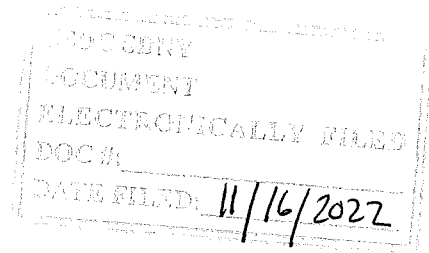
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CHARLES DEGNAN and SUSAN RICCI
DEGNAN,

Plaintiffs,

v.

WHEELABRATOR WESTCHESTER, L.P.,
and HELFRICH BROTHERS BOILER
WORKS, INC.,

Defendants.
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ORDER

22 CV 8681 (VB)

On October 20, 2022, defendant Wheelabrator Westchester, L.P. (“Wheelabrator”), filed an answer to the complaint and asserted cross-claims against defendant Helfrich Brothers Boiler Works, Inc. (“Helfrich”). (Doc. #8). Helfrich’s deadline to respond to the cross-claims was November 10, 2022.

Helfrich filed an answer to the complaint on November 1, 2022. (Doc. #10). However, Helfrich’s answer does not respond to Wheelabrator’s cross-claims, and to date, Helfrich has not answered, moved, or otherwise responded to Wheelabrator’s cross-claims.

Accordingly, provided that Helfrich remains in default respecting the cross-claims, Wheelabrator is ORDERED to seek a certificate of default against Helfrich by November 30, 2022, and thereafter to move, by order to show cause and in accordance with the Court’s Individual Practices, for default judgment against Helfrich by December 14, 2022. If Wheelabrator fails to satisfy either deadline, the Court may dismiss its cross-claims without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: November 16, 2022
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge